

REMARKS/ARGUMENTS

Claims 1-17, 19 and 20 stand rejected in the outstanding Official Action. Claim 6 has been cancelled without prejudice and claims 1 and 20 amended. Accordingly, claims 1-5, 7-17, 19 and 20 are the only claims remaining in the application.

The Examiner's indication of PTO acceptance of the previously submitted formal drawings is very much appreciated.

The Examiner's consideration of Applicant's previously submitted Information Disclosure Statement is very much appreciated. However, it appears that the Examiner has initialed as being considered and then drawn a line through the descriptive information concerning the first of two documents under the "Foreign Patent Documents" heading. This marking could lead to confusion as to whether the Examiner did consider this reference (in view of the examiner's initials) or did not consider this reference (in view of the strike-through). It is respectfully requested that the Examiner forward a substitute initialed copy of the PTO Form 1449 indicating consideration of GB 756,111.

It is noted that this GB reference was cited in the PCT International application and a copy of the International Search Report and references were acknowledged as being received by the U.S. Patent and Trademark Office in the Notice of Acceptance of Application dated January 25, 2005. Under the Patent Cooperation Treaty, the Examiner or at least the U.S. PTO PCT Receiving Office is obligated to consider such prior art references and make them of record in the national phase entry case. Clarification of whether the Examiner has in fact considered the GB reference is respectfully requested.

Applicant also requests that the Examiner confirm not only Applicant's claim for priority, but also at least constructive receipt of the certified copy of the priority document by marking the appropriate boxes (12, a), 3) under "Priority under 35 U.S.C. §119" on PTOL-326 "Office Action Summary." Again, this acknowledgment of priority is a portion of the U.S. PTO PCT Receiving Office's obligations under the Patent Cooperation Treaty.

Claim 20 is objected to as allegedly being indefinite. The Examiner is reminded of the discussion in the Manual of Patent Examining Procedure (MPEP Section 2173.05(e)) which states that:

"inherent components of elements recited have antecedent basis in the recitation of the components themselves. For example, the limitation 'the outer surface of said sphere' would not require an antecedent recitation that the sphere has an outer surface."

In the present instance, the fact that the claim is directed towards an "aircraft landing gear door assembly" inherently indicates that the aircraft has a landing gear, and it is noted that claim 1 specifies that landing gear can be deployed through an aperture when the doors are in an open position. Applicant has amended claim 1 to recite "a landing gear" thereby providing literal antecedent basis for the term "landing gear" in claims 1 and 19 and thus provides literal antecedent basis for "further" landing gear in claim 20.

It should be understood that Applicant's claim 1 is not directed to the landing gear itself, but rather a landing gear door assembly which cooperates with a landing gear in a particular fashion, and in claim 20, that cooperation is with respect to a "further" landing gear on the same aircraft. However, Applicant has amended claim 20 to clearly indicate that Applicant is not claiming a further landing gear to be a portion of the aircraft landing gear door assembly, but

rather to indicate the operational relationship between the transverse door and the first door when the aircraft includes a further landing gear.

Accordingly, there is believed no basis for the argument that claim 20 is indefinite in view of the MPEP discussion, but in any event, the above amendment to claim 20 obviates any such rejection.

Claims 1-3, 7, 12, 19 and 20 stand rejected under 35 USC §102 as being anticipated by Riggles (U.S. Patent 2,406,710). The benefit of Applicant's invention is that by providing a transverse door which is located out of the slipstream and opening internal to the aircraft body, "the length of door extending downwardly from the aircraft when the doors are in their open position can be reduced and that may enable a neighbouring landing gear to be located closer to the described door assembly than would otherwise be the case." (Specification, page 9, lines 8-11). The fact that in the open position the transverse door is disposed out of the slipstream is disclosed in Applicant's specification at page 9, lines 4-7.

Looking at the Riggles reference, it is clear that Riggles teaches just the opposite of Applicant's claimed invention, i.e., what the Examiner alleges to be the "transverse door 16" is located so as to extend in the aircraft slipstream in the open position. Thus, Riggles not only fails to disclose a transverse door which is located out of the slipstream in its open position, it specifically would lead one of ordinary skill in the art away from such an organization by teaching having such door extend into the aircraft slipstream.

While Applicant's independent claim 1 has been amended to include the subject matter of claim 6 (the transverse door is disposed out of the slipstream), claim 6 has been cancelled.

Therefore, it is incumbent upon the Examiner to indicate how or why he believes the subject

matter of amended claim 1 is disclosed in the Riggles reference. As noted above, Riggles actually would lead one of ordinary skill in the art away from Applicant's claimed combination of elements.

Inasmuch as Riggles cannot anticipate Applicant's amended claim 1, it cannot anticipate any of the claims dependent from claim 1 and any further rejection thereunder is respectfully traversed.

Claims 4 and 5 stand rejected under 35 USC §103 as being unpatentable over Riggles in view of White (WO 01/56878 A1). Inasmuch as claims 4 and 5 now depend ultimately from claim 1 (which has been amended to include the subject matter of claim 6), there is no basis for rejection of these claims over the Riggles/White combination. Moreover, because Riggles clearly teaches away from Applicant's claimed invention, the subject matter of claims 4 and 5 would not be obvious in view thereof even when combined with White.

The Examiner rejects claim 6 under 35 USC §103 as being unpatentable over Riggles in view of General Aircraft Limited (GB 537,234). While the Examiner correctly notes that Riggles discloses an assembly in which the transverse door is disposed below the aperture in its open position, Applicant notes that claim 6 as originally filed required that the transverse door be located "at least mostly above" the aperture. Since "at least mostly above" is perhaps less definite, Applicant has amended that portion of claim 6 which has been added to claim 1 to recite a location out of the slipstream in the open position. Of course, the Riggles reference, as admitted by the Examiner, discloses a transverse door which is "disposed below the aperture in its open position" i.e., within the aircraft slipstream which is the direct opposite of Applicant's independent claim 1.

The General Aircraft Limited patent teaches a single door which is analogous to the transverse door. Accordingly, there is no disclosure of two sets of doors having transverse axes as set out in Applicant's independent claim 1. While Figure 3 of General Aircraft Limited suggests that only a single transverse door be provided, this would appear to teach away from Applicant's combination of elements, i.e., two doors with mutually transverse axes. Thus the General Aircraft Limited reference would also lead one of ordinary skill away from Applicants claimed invention.

Accordingly, in view of the fact that both Riggles and General Aircraft Limited teach away from the subject matter of Applicant's claim 6 (which has been incorporated into claim 1), there is believed no further basis for rejection of claim 1.

Inasmuch as all pending claims ultimately depend from Applicant's claim 1, claim 1 as amended is believed to clearly distinguish over all cited prior art references and any further rejection thereunder is respectfully traversed.

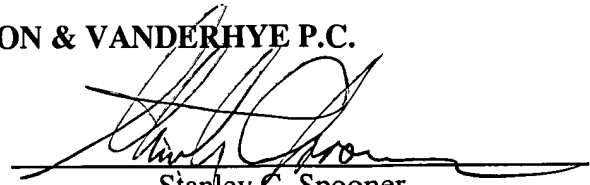
Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-5, 7-17, 19 and 20 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

BRIANCOURT
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Respectfully submitted,

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